

How Alaska Criminal Rule 6 Shall Be Re-Written

Legend:

Delete words in “square” brackets that are also highlighted and lined through: [.....]

Add words “not” in “square” brackets that are highlighted: [.....]

Alaska Criminal Rule 6 to be re-written as follows:

Rule 6. The Grand Jury.

(A) Each citizen of Alaska has an unqualified right to appeal in-person DIRECTLY to an Alaska Grand Jury one time per calendar year. A Grand Jury hearing such appeals shall provide at least 10 minutes to each citizen to make their case. It is the Grand Jury’s duty and responsibility, and no one else’s, to determine which citizens wish to make such appeals in each location and to determine how best to proceed. It is suggested, but not mandatory, that Grand Juries (particularly in areas with numerous citizens wishing to appeal) hear as many cases per day until all citizens are heard, dismissing frivolous cases immediately and scheduling valid cases for a second, later, and more in-depth hearing that may or may not include testimony from the citizen’s witnesses and taking of evidence. If these appellate/investigative Grand Juries, after they have been convened, are not appealed to by at least one citizen (and have not decided on their own to investigate) it may, upon a majority vote, vote to disband itself. Any citizen then wishing to appeal in the location of this disbanded Grand Jury will thus be forced to wait until the next appellate/investigative Grand Jury in this area is convened (likely 3 months or less).

(B) After an appellate/investigative Grand Jury is sworn in, the only direction that may be given to it on its duties is the slightly modified original Alaska Grand Jury Handbook, a copy of this re-written Alaska Criminal Rule 6, the Alaska Constitution, and a transcription of the Alaska Constitutional Convention Delegates regarding Grand Juries (transcript pages 1323-1406). In other words, there will be no personal instruction by judges or attorneys on how an appellate/investigative Grand Juries must conduct business.

(C) During initial appeals by a citizen, no one is allowed to be present except the Jurors, the citizen, and any witnesses or interpreters the citizen has brought with.

(D) Grand Juries investigating suspected government corruption, conspiracy, and/or cover up (or private attorneys/citizens implicated in this) shall investigate in public, so hidden forces cannot derail them – as happened to the 2022/23 Kenai Grand Jury that investigated Marla Greenstein.

(E) The words “Grand Jury”, “Grand Juror[s]”, “Jury[ies]”, and “Juror[s]” shall be capitalized in all Alaska judicial system documents. It is recommended all other movement branches, and Alaska’s Citizens themselves, follow suit.

(F) All Alaska Grand Juries shall be convened with 18 regular members and 6 alternate members, for a total of 24.

(G) At the convening of each Grand Jury term (normally 3 months) in each Alaskan city, town, or village regularly convening Grand Juries, at least two (2) Grand Juries shall be convened. One (1) of these shall have the sole duty to hear in-person appeals DIRECTLY from citizens of Alaska, to investigate citizen concerns, and then to issues indictments, presentments, reports, and or recommendations in connection therewith. The other Grand Jury[ies] shall conduct other activities that normally involve participation by law enforcement and government attorneys. Appellate/investigative Grand Juries have the power to order the convening additional appellate/investigative Grand Juries, if, in their opinion alone, this serves the interest of justice.

(H) At least one (1) week prior to the convening of Grand Juries, in each location, the court system in that area shall run appropriate public service announcements on local outlets (minimum of radio and social media), alerting local citizens of their opportunity to DIRECTLY appeal, in-person, to their local Grand Jury anything concerning the public welfare or safety – particularly misconduct by government officials and/or entities.

(I) The 55 Delegates who wrote Alaska’s Constitution stated, without a single dissent (see Alaska Constitutional Convention, transcript page 1328), that it is “*utterly vital*” that Alaska’s Grand Juries can investigate court cases involving a single individual. Alaska Grand Juries, and they alone without any influence whatsoever, decide what they can investigate, including individual court cases, either open or closed.

(J) Grand Juries alone, without any input from anyone else, decide what concerns the public welfare or safety, and thus alone decides what can be investigated. Public officials can be removed from office for willful or corrupt

misconduct even if a statute of limitations has run on criminal conduct.

(K) Appellate/investigative Grand Juries may, in its own discretion, conduct business in a location other than a courthouse; shall decide the date and times of its meetings; shall determine its own rules of proceeding; and may write, and issue, its own subpoenas.

(L) During the hearing of initial citizen appeals, no one may be present except the Grand Jury, the citizen appellant, and any witnesses or translators the citizen brings with and approves.

(M) During subsequent proceedings, the Grand Jury, in its discretion, may order state, city, and/or independent private attorneys and/or investigators to provide assistance. Private attorneys/investigators shall be paid by the court system at their published rate. If the Grand Jury determines the interest of justice requires this, attorneys and investigators may be procured from outside Alaska – particularly with concerns of systemic corruption or involving the Bar Association. In such case the court system shall also pay reasonable travel and lodging expenses.

(N) Any and/or all Grand Jury reports or recommendations shall be immediately made public upon issuance by an appellate/investigative Grand Jury. Any interference is evidence of Tampering with Physical Evidence (AS 11.56.610), a class C felony in Alaska.

(O) A slightly modified version of the original, 14-page, 5.5” by 8.5” Alaska Grand Jury Handbook (attached) shall be official Alaska Grand Jury Handbook until and unless Alaska’s Legislature chooses to create and issue a different one. A copy of this handbook shall be given to every prospective Juror, both petite (trial) and Grand, at voir dire, (initial questioning) of prospective Jurors. A copy of this handbook shall be immediately provided to every citizen expressing an interest in appealing to an Alaska Grand Jury. It is also recommended that a copy of this handbook be offered, free of charge, to every citizen entering an Alaska courthouse.

(P) All prospective Jurors, both Petit (trial) and Grand, along with all citizens expressing an interest in appealing to the Grand Jury, shall be given a copy of the 6-page document “*Alaska Judicial Corruption Timeline*”, so they may know of past Alaskan government conspiracies to unconstitutionally suspend Grand Jury and citizen Constitutional Rights.

(Q) A “presentment” is the writing, by the Grand Jury itself without assistance by any attorney, of a document forcing a defendant to trial.

(R) An “indictment” is the writing, by a government attorney, of a document, which, after being voted on by a Grand Jury as a “true bill”, forces a defendant to trial.

(S) At least two volunteer Grand Jurors shall serve a second term on the appellate/investigative Grand Jury in each area, to inform and teach the new Jurors of what was learned about the process by the preceding appellate/investigative Grand Jury.

(a) **By Whom Convened.** The presiding superior court judge of the judicial district encompassing the Grand Jury location specified in section (b) shall convene the Grand Juries.

(b) **Where Grand Juries Shall Be Convened.** The grand jury shall be convened at the superior court location shown in the following table, based on the superior court venue district in which the matter under investigation occurred. The superior court venue districts are defined in the Criminal Rule 18 venue map.

Superior Court Venue District in which the matter under investigation occurred	Location at which the grand jury will be convened
Anchorage	Anchorage
Bethel	Bethel
Cordova	Anchorage or Palmer
Craig	Juneau, Ketchikan, or Sitka
Delta Junction	Fairbanks
Dillingham	Dillingham or Anchorage
Fairbanks	Fairbanks
Glennallen	Anchorage or Palmer
Homer	Kenai
Juneau	Juneau, Sitka, or Ketchikan
Kenai	Kenai
Ketchikan	Ketchikan, Sitka, or Juneau
Kodiak	Kodiak
Kotzebue	Kotzebue
Naknek	Anchorage
Nenana	Fairbanks
Nome	Nome

Palmer	Palmer
Petersburg	Juneau, Ketchikan, or Sitka
Seward	Kenai
Sitka	Sitka, Juneau, or Ketchikan
Tok	Fairbanks
Unalaska Utqiaġvik – (formerly Barrow)	Anchorage Utqiaġvik - (formerly Barrow)
Valdez	Anchorage or Palmer
Wrangell	Juneau, Ketchikan, or Sitka

The presiding judge of a judicial district shall be empowered to call a special jury to be convened at a site other than the site designated in this subsection if the presiding judge determines that the designation of a special site is necessary in the interest of justice.

(c) **Selection of Prospective Grand Jurors.** Prospective grand jurors shall have the qualifications and shall be drawn and selected as set forth by law, with the additional provisions:

(1) prospective grand jurors shall be selected from the population within a fifty-mile radius of the place where the grand jury is convened, and

(2) the presiding judge of the superior court may with the approval of the administrative director select prospective grand jurors at large from the judicial district in which the matter under investigation occurred.

(d) **Summoning Grand Jurors.** At least once each year the presiding judge of the superior court in each judicial district shall order one or more grand juries to be convened at such times as the public interest requires. The grand jury shall ~~consist of not less than 12 nor more than~~ be impaneled with 18 regular members and 6 alternate members, for a total of 24. The court shall direct that a sufficient number of legally qualified persons be summoned to meet this requirement. Any qualified member of the grand jury panel not designated to serve as a member of the grand jury may be placed on the petit jury panel. An otherwise qualified person called for petit jury service may be placed on the grand jury panel. A grand jury shall serve until discharged by the presiding judge but no grand jury may serve more than 4 months, unless this period is extended for good cause.

(e) **Swearing and Instructing Jurors.**

(1) The following oath shall be administered by the clerk of the superior court to the persons selected for grand jury duty:

“You and each of you as members of this grand jury for the State of Alaska, do solemnly swear or affirm that you will diligently inquire and true presentment make of all such matters as shall be given to you for consideration, or shall otherwise come to your knowledge in connection with your present service; that you will preserve the secrecy required by law as to all proceedings had before you; that you will present no one through envy, hatred or malice, or leave any one unrepresented through fear, affection, gain, reward, or hope thereof; but that you will present all things truly and impartially as they shall come to your knowledge according to the best of your understanding.”

(2) When the grand jury is sworn, the court shall charge the jury with written instructions,

which the court deems proper, concerning the powers and duties of the grand jury.

(f) **Alternate Jurors.** The presiding judge ~~may~~ shall direct that ~~six (6)~~ alternate jurors be designated at the time a grand jury is selected. Alternate jurors in the order in which they were designated may thereafter be impaneled as provided in paragraph (s) of this rule. Alternate jurors shall be drawn in the same manner and shall have the same qualifications as the regular jurors, and if impaneled shall be subject to the same challenges, shall take the same oath and shall have the same functions, powers, facilities and privileges as the regular jurors.

(g) **Objections to Grand Jury and to Grand Jurors.** A motion to dismiss the indictment or to expunge a report of the grand jury may be based upon objections to the array or the lack of legal qualification of an individual juror. An indictment shall not be dismissed nor a report expunged upon the ground that one or more members of the grand jury were not legally qualified if it appears from the record kept pursuant to paragraph (h) of this rule that a majority of the total number of grand jurors comprising the grand jury when the grand jury is sworn and charged with instructions, after deducting the number not legally qualified, concurred in finding the indictment or making the report.

(h) **Foreperson and Deputy Foreperson.** The ~~presiding judge shall appoint~~ Grand Jurors shall elect one of the jurors to be foreperson and another to be deputy foreperson. The foreperson shall have power to administer oaths and affirmations and shall sign all indictments and reports. The foreperson or another juror designated by the foreperson shall keep a record of the number of jurors concurring in the finding of every indictment and the issuance of every report and shall file the record with the clerk of the court, but the record shall not be made public except on order of the presiding judge. During the absence of the foreperson, the deputy foreperson shall act as foreperson.

(i) **Preparing Indictments and Presentments.** The prosecuting attorney shall prepare all indictments ~~and presentments~~ for the grand jury, and ~~shall~~ may, if affirmatively invited by the Grand Jury, attend its sittings to ~~advise it of its duties and to~~ help examine witnesses ~~in its presence~~ or to help prepare subpoenas. The Grand Jury shall, unaided by any official, prepare its own presentments that send defendants to trial.

(j) **Investigation ~~of Crime~~ Initiated by Grand Juror.** If a grand juror discloses to other grand jurors that he or she has reason to believe ~~a crime has been committed that is triable by the court and proposes that the grand jury investigate that crime, the grand juror shall also disclose the belief to the prosecuting attorney. If approved by a majority of the grand jurors, the grand jury may investigate the facts and circumstances relating to the belief with the assistance and oversight of the prosecuting attorney, in accordance with Rule 6.1(d) and (e)(1) (2).~~ there is an issue endangering the public welfare or safety, that Juror shall inform the other Jurors, who shall investigate. Only if the Grand Jury believes justice is served, shall the Grand Jury inform any government official of this.

(k) **Record of Proceedings.** All proceedings before the grand jury, including the testimony of witnesses and any statements made by the prosecuting attorney or by any of the jurors, shall be electronically recorded.

(l) **Who May Be Present.** The ~~prosecuting attorney~~ citizen appealing, ~~the witness~~

~~under examination~~] any of the citizen's witnesses, a court clerk for the purpose of recording the proceedings, when needed, an interpreter, a person transcribing for the deaf, ~~and~~ any law enforcement officer who has custody of the witness being examined, and, only if affirmatively invited by the Grand Jury, the prosecuting attorney, may be present while the grand jury is in session. No persons other than the jurors and any interpreter or transcriber necessary to assist a juror who is hearing or speech impaired shall be present while the grand jury is deliberating or voting.

(m) **Secrecy of Proceedings and Disclosure.**

(1) The selection, swearing, and charging of grand jurors ~~and all matters occurring before the grand jury~~ are secret, except as otherwise provided by this rule. ~~Disclosure of matters, other than the grand jury's deliberations and the vote of any juror, may be made to the prosecuting attorney for use in the performance of the prosecuting attorneys' duties. Otherwise a judge, juror, attorney, interpreter, person transcribing for the deaf, law enforcement officer, court clerk, or a typist who transcribes recorded testimony may disclose matters only when so directed by the court preliminary to or in connection with a judicial or administrative proceeding.~~ If the appellate/investigative Grand Jury is investigating suspected government corruption, conspiracy, and/or cover up, its investigation shall be done in public.

(2) The returns of indictments ~~and presentments~~ to the superior court are public proceedings~~, unless the court directs that the proceedings be closed to the public and the indictment kept secret until the defendant is in custody or has given bail. In that event, the clerk shall seal the indictment and no person shall disclose the finding of the indictment except when necessary for the issuance and execution of a warrant or summons.~~

(3) No obligation of secrecy may be imposed upon any person ~~except in accordance with this rule~~.

(n) **Availability of Grand Jury Record to Defendant.** Upon request, a defendant shall be entitled to listen to the electronic recording of the grand jury proceedings and inspect all exhibits presented to the grand jury. Upon further request the defendant may obtain a transcript of such proceedings and copies of such exhibits. The trial of the case shall not be delayed because of the failure of a defendant to request the transcript. ~~The availability of a grand jury report is governed by Criminal Rule 6.1.~~

(o) **Finding and Return of Indictment ~~or Presentment~~.**

(1) An indictment ~~or presentment~~ may be found only upon the concurrence of a majority of the total number of jurors comprising the grand jury when the grand jury is sworn and charged with instructions, after deducting the number not legally qualified.

(2) If an indictment ~~or presentment~~ is not found, the indictment ~~or presentment~~ shall be endorsed "not a true bill" and signed by the foreperson. If an indictment ~~or presentment~~ is found, the indictment ~~or presentment~~ shall be endorsed "a true bill" and signed by the foreperson. (i) If an indictment ~~or presentment~~ is endorsed "a true bill," the indictment ~~or presentment~~ shall be presented in open court and filed with the clerk where it shall be open to public inspection.

(3)

(i) If an indictment ~~or presentment~~ is endorsed "not a true bill" and a complaint or

information was previously filed in a district court, the indictment **or presentment** shall be presented in open court and filed with the clerk where it shall be open to public inspection.

(ii) If an indictment **or presentment** is endorsed “not a true bill” and a complaint or information was previously filed in a district court, the indictment shall be presented in open court and filed with the clerk where it shall be open to public inspection.

(iii) If an indictment **or presentment** is endorsed “not a true bill” and no complaint or information was previously filed in district court, the indictment or presentment shall be filed with the clerk and held under seal.

(iv) The foreperson or deputy foreperson may present an indictment **or presentment** in open court without the presence of other grand jury members.

(4) If no indictment **or presentment** is found, the court shall hold the minutes, log notes, and record of the grand jury proceeding under seal. If an indictment **or presentment** is found, the log notes, transcript, and record of the grand jury proceeding will be confidential, as defined in Administrative Rule 37.5(c), except that the grand jury documents may be used by a party or counsel and by their staff, investigators, experts, and others as necessary for the preparation of the case. This paragraph does not preclude a party from attaching relevant portions of these documents to a pleading or motion, so long as victim and witness information is protected as provided in AS 12.61.100–.150.

(5) The return of exhibits used during the grand jury proceedings is governed by Criminal Rule 26.1(h).

~~(p) — [Questions to the Superior Court.]~~

~~(1) — [Whenever there is doubt from the evidence presented]~~

~~(i) — [whether the facts constitute a crime, or]~~

~~(ii) — [whether a defendant is subject to prosecution by reason of either a lapse of time or a former acquittal or conviction, then the grand jury by a concurrence of at least five members may, after consulting the prosecuting attorney, present the facts of the case to the court with a request for instruction on the law.]~~

~~(2) — [The foreperson shall make the presentation of facts and the request for instruction on the law to the court in the presence of the grand jury.]~~

~~(3) — [The presentation to the court shall not mention the names of individuals. Any written document containing the presentation of facts and request for instruction on the law shall not be filed with the court, nor shall it be kept by the court beyond the time that the grand jury is discharged.]~~

~~(4) [When the presentation of facts and request for instruction is made, the court shall give such instruction on the law as it considers necessary.](Delete all of (p))~~

(q) **Defense Witnesses.** Although the grand jury has no duty to hear evidence on the behalf of the defendant, it may do so.

(r) **Sufficiency of Evidence.** When the grand jury has reason to believe that other

available evidence will explain away the charge **or concern**, it shall order such evidence to be produced and for that purpose may require the prosecuting attorney to subpoena witnesses. An indictment shall not be found nor a presentment made upon the statement of a grand juror unless such grand juror is sworn and examined as a witness. The grand jury shall find an indictment **or presentment** when all the evidence taken together, if unexplained or uncontradicted, would warrant a conviction of the defendant.

(s) **Admissibility of Evidence.** **Appellate/investigative Grand Juries may use any evidence, including hearsay, to investigate, indict, present, report, and/or recommend:**

(1) ~~—[Evidence which would be legally admissible at trial shall be admissible before the grand jury. Witnesses may be presented to summarize admissible evidence if the admissible evidence will be available at trial.]~~

(2) ~~—[Hearsay evidence related to the offense, not otherwise admissible, may be admitted into evidence before the grand jury if the individual presenting the hearsay evidence is a peace officer involved in the investigation.]~~

(3) ~~—[If the testimony presented by a peace officer under paragraph (2) of this section is inaccurate because of intentional, grossly negligent, or negligent misstatements or omissions, then the court shall dismiss an indictment resulting from the testimony if the defendant shows that the inaccuracy prejudices substantial rights of the defendant.]~~

(4) ~~—[When a prior conviction is an element of an offense, hearsay evidence received through the Alaska Public Safety Information Network or from other government agencies of prior convictions may be presented to the grand jury.]~~

The United States Supreme Court has established that grand juries are not bound by the same strict rules of evidence as trial juries, allowing them to return indictments and presentments based on **hearsay evidence**.

Justia U.S. Supreme Court Center

The following cases are the primary authorities on this issue:

- **Costello v. United States (1956):** This is the landmark case on the subject. The Court held that a defendant can be required to stand trial even if the indictment was based **solely on hearsay evidence**. The Court reasoned that neither the Fifth Amendment nor any other constitutional provision prescribes the specific kind of evidence a grand jury must consider.
- **United States v. Calandra (1974):** The Court reaffirmed the broad investigative powers of the grand jury, noting it should remain *"unimpeded by the evidentiary and procedural restrictions applicable to a criminal trial."* This case specifically held that the Fourth Amendment's exclusionary rule (barring illegally seized evidence) does not apply to grand jury proceedings.

- **United States v. Williams (1992):** While primarily about exculpatory evidence, this case reinforced the independence of the grand jury from judicial oversight. The Court held that courts cannot dismiss an indictment simply because the prosecutor failed to present "*substantial exculpatory evidence*," further limiting the ability of defendants to challenge the quality of evidence used to secure an indictment.

The Library of Congress (.gov)

(t) **Excusing Grand Jurors.** A seated juror may be excused for a particular case, permanently excused, or temporarily excused if he informs the other Jurors he or she cannot be fair or impartial for an individual case or issue or has family, medical, or other such issues. It will be up to the remaining Grand Jurors on how to respond. If a regular Juror or Jurors are removed, they shall be replaced with alternate Grand Jurors, so as to keep 18 Grand Jurors present for work. ~~[under the following circumstances:]~~

(1) ~~— [The prosecutor shall excuse a juror for a particular case when the juror informs the prosecutor that the juror cannot be fair or impartial in deciding that case. The prosecutor may ask the presiding judge to impanel an alternate.]~~

(2) ~~— [If the prosecutor is made aware of a grand juror's potential prejudice or bias that could affect the grand jury's impartial deliberations, or if the prosecutor seeks to challenge a juror for cause, the prosecutor shall present the information as to prejudice or bias or the challenge to the presiding judge. The judge shall provide the juror with notice of the prosecutor's action and shall question the juror concerning the potential bias or challenge. After hearing from the juror, the judge may request additional information from the prosecutor, other jurors, or other sources. If potential bias or cause is shown, the judge may excuse the juror permanently or for a particular case. The judge may impanel an alternate juror in place of the juror excused. If no potential bias or cause is shown, the judge shall allow the juror to remain and may take other appropriate action.]~~

(3) ~~— [The presiding judge may excuse a juror temporarily because of illness or a personal or business matter that requires the juror's attention. The presiding judge may delegate this authority to another judicial officer.]~~

(4) ~~— [An alternate juror must be present during the presentation of all evidence related to that case in order to vote on the proposed bill].~~

(u) ~~— [Delegation of Duties. Whenever a superior court is sitting other than where the presiding judge is sitting, or the presiding judge is unavailable, the presiding judge may delegate duties under this rule to another judicial officer. However, the presiding judge may delegate duties under Criminal Rule 6.1 only to another superior court judge.]~~

(v) **Telephonic Testimony.**

(1) A witness may participate telephonically in grand jury proceedings if the witness:

(A) would be required to travel more than 50 miles to the situs of the grand jury; or

(B) lives in a place from which people customarily travel by air to the situs of the grand jury.

(C) Telephonic testimony is not favored, in person testimony is preferred in all cases.

(D) A witness who is not entitled to participate telephonically under subparagraph (1) may participate telephonically with approval of the ~~presiding judge of the judicial district, or the presiding judge's designee~~ Grand Jury. ~~[A motion to allow telephonic testimony under this subparagraph may be ex parte and shall be accompanied by an affidavit of the prosecuting attorney that states the reason telephonic testimony is requested.]~~ Telephonic testimony is not favored, in person testimony is preferred in all cases.

(2)

(3) If a witness participates telephonically in grand jury proceedings, after the witness is sworn, the ~~prosecuting attorney~~ Grand Jury shall require the witness to:

(A) state the location from which the witness is testifying; and

(B) verify

(i) that the witness' conversation cannot be overheard;

(ii) that no extension for the telephone from which the witness is testifying is in use; and

(iii) that the witness will notify the grand jury immediately if any person can overhear the witness' testimony or if the witness becomes aware that an extension for the telephone enters use during the testimony.

Most demands above were implemented by California's Legislature after a similar attempt by judges to suspend citizen and Grand Jury rights there. See California Penal Codes 901; 914; 916; 919; 926; 933-936; 936.5; 939.1; 939.2; 939.4; 3062; 3073; and 3074.

(Adopted by SCO 4 October 4, 1959; amended by SCO 30 effective February 1, 1961; by SCO 49 effective January 1, 1963; by SCO 136 dated August 27, 1971; by SCO 136A dated September 13, 1971; by Amendment No. 1 to SCO 136 dated October 17, 1972; by SCO 146 effective October 31, 1971; by Amendment No. 1 to SCO 146 effective October 31, 1971; by SCO 157 effective February 15, 1973; by SCO 216 effective October 1, 1975; by SCO 261 effective December 30, 1976; by SCO 539 effective October 1, 1982; by SCO 706 effective May 21, 1986; by SCO 711 effective September 15, 1986; by SCO 881 effective July 15, 1988; by SCO 937 effective January 15, 1989; by SCO 945 effective January 15, 1989; by SCO 956 effective July 15, 1989; by SCO 967 effective July 15, 1989; by SCO 969 effective July 15, 1989; by SCO 973 effective July 15, 1989; by SCO 991 effective January 15, 1990; by SCO 997 effective January 15, 1990; by SCO 1012 effective January 15, 1990; by SCO 1039 effective January 15, 1991; by SCO 1046 effective January 15, 1991; by SCO 1061 effective July 15, 1991; by SCO 1115 effective November 12, 1992; by SCO 1171 effective July 15, 1995; by SCO 1181 effective July 15, 1995; by SCO 1204 effective July 15, 1995; by SCO 1269 effective July 15, 1997; by SCO 1293 effective January 15, 1998; by SCO 1338 effective June 11, 1998; by SCO 1381 effective April 15, 2000; by SCO 1439 effective October 15, 2001; by SCO 1482 effective October 15, 2002; by SCO 1490 effective October 15, 2002; by SCO 1618 effective October 15, 2006; by SCO 1646-Amended effective October

15, 2007; by SCO 1745 effective April 15, 2011; by SCO 1760 effective October 14, 2011; by SCO 1872 effective April 27, 2016; by SCO 1916 effective January 1, 2018; by SCO 1949 effective July 9, 2019; by SCO 1993 effective December 1, 2022; and by SCO 2030 effective January 1, 2025)

Note to SCO 1269: Criminal Rule 6(r) [now 6(s)] was amended by §§ 18 & 19 ch. 143 SLA 1996 to allow certain hearsay evidence to be presented to the grand jury in a prosecution for felony DWI or felony refusal to submit to a chemical test. Section 21 of this order is adopted for the sole reason that the legislature has mandated the amendments.

Note: Subparagraphs (r)(2) and (3) [now (s)(2) and (3)] of Criminal Rule 6 were added by ch. 41, §§ 1-2, SLA 1985, adopting AS 12.40.110.

Note to SCO 1204: Criminal Rules 6(r)(3) & (4) [now 6(s)(3) & (4)] were added by ch. 114 § 2 SLA 1994. Section 4 of this order is adopted for the sole reason that the legislature has mandated the amendments.

Note to SCO 1293: Criminal Rule 6(u) [now 6(v)] was amended by §§ 20 & 25 ch. 63 SLA 1997 to eliminate the requirement that the prosecution must obtain permission from the court before a victim can testify by telephone. Section 1 of this order is adopted for the sole reason that the legislature has mandated the amendment.

Note to SCO 1338: Criminal Rule 6(r)(2) [now 6(s)(2)] was amended by § 21 ch. 81 SLA 1998 to allow hearsay evidence of a statement made by a child to be admitted before the grand jury in a prosecution for first degree indecent exposure as well as the other sex offenses defined in AS 11.41. Section 1 of this order is adopted for the sole reason that the legislature has mandated the amendment.

Note: Chapter 10, SLA 2019 (HB 49) enacted a number of changes relating to criminal procedure. Section 135 of the Act amended paragraph (r)(6) [now (s)(6)] to allow the admissibility of an Alaska Public Safety Information Network or other government agency report of prior convictions if the prior conviction is an element of the offense. This rule change is adopted for the sole reason that the legislature has mandated the amendment.

Note to SCO 2030: Criminal Rule 6(s) was amended by sec. 61 Chapter 11, SLA 2024 (HB 66) regarding the admissibility of evidence in grand jury proceedings. The rule change is adopted for the sole reason that the legislature has mandated the amendment.

Cross References

(b) **CROSS REFERENCE:** AS 12.40.030; AS 12.40.040; AS 12.40.050; AS 12.40.060